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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/826,207 | 04/16/2004 | Jerry H.C. Lee | 25341A | 1155 |
| 22889 | 7590 | 01/25/2010 | | |
| OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023 | | | EXAMINER MATZEK, MATTHEW D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1794 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 01/25/2010 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USIPDEPT@owenscorning.com

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/826,207 | Applicant(s) LEE ET AL. | |
| | Examiner MATTHEW D. MATZEK | Art Unit 1794 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15,17-19,21-23,25 and 29-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-15,17-19,21-23,25 and 29-31 is/are allowed.
- 6) ☒ Claim(s) 32-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment dated 11/12/2009 has been fully considered and entered into the Record. Claim 9 has been amended and contains no new matter. Claims 26-28 have been cancelled and new claims 32-40 have been added, leaving claims 1-3, 5-15, 17-19, 21-23, 25 and 29-40 currently pending.

Response to Arguments

2. Applicant's arguments, see Remarks, filed 11/12/2009, with respect to all rejections based upon the combination of Miller, Gonthier et al. and Mueller et al. have been fully considered and are persuasive. The previous rejections of claims 1-3, 5-15, 17-19, 21-23, 25 and 29-31 have been withdrawn. The combination of Miller et al. and Gonthier et al. does not provide for the claimed roofing mat and sizing of either claim 1 or 9, because Gonthier et al. fail to provide for the sulfur-containing material or the bonding material that bonds both to the fiber material and to the elemental sulfur. Mueller et al. do not remedy this deficiency because its elemental sulfur is added to the asphalt directly rather than to a sizing composition applied to fibers. Furthermore, while Miller et al. and Gonthier et al. are both directed to roofing materials Miller et al. teach asphalt-based roofing and Gonthier et al. disclose lightweight, translucent roofs (abstract). Therefore, one of ordinary skill in the art would not look to Gonthier et al. to modify the glass fibers of Miller et al. since the references are directed to distinctly different types of roofing.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 32-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 32-35 are rejected because claim 32 recites "a single roofing mat formed from fiber of a fiber material". There is insufficient support in the specification for the now claimed "single roofing mat". Claims 36-40 are rejected because claim 36 recites the "roofing mat being the only mat in the roof covering". There is insufficient support in the specification for limiting the roofing mat as being the only mat in the roof covering. The instant specification repeatedly mentions a roofing mat in the singular tense however it is not possible to clearly distinguish whether the specification is describing a unitary structure roofing mat that as a whole is only one layer (i.e. the composite of the fiber layer, sizing, asphalt-based coating, etc.), or if the fibrous layer of said roofing mat is singular in nature and the only fibrous layer present. Furthermore, nowhere in the specification is either the roofing mat or fibrous layer of said roofing mat limited to a single layer. Examiner would also like to point out that the new claims all utilize the open-ended term "comprising", therefore additional roofing mat layers or even generic mat layers, for that matter, are not precluded from being present. Examiner feels that the new claims cloud the

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scope of the subject matter intended to be claimed and in fact are unnecessary based upon the following indication of allowability of claims 1-3, 5-15, 17-19, 21-23, 25 and 29-31.

Allowable Subject Matter

4. Claims 1-3, 5-15, 17-19, 21-23, 25 and 29-31 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: upon reconsidering the applied art in combination, one of ordinary skill in the art would have recognized that it would not have been obvious to have combined the previously applied references to arrive at the claimed invention and the prior art of Record fails to teach or render obvious a roof covering comprising a fibrous roofing mat sized with a composition of film forming polymer, coupling agent, lubricant and a sulfur-containing material having therein sulfur groups that form cross-links with the asphalt that coats the fibrous mat, nor does it teach or render obvious a roof covering comprising a fibrous roofing mat sized with a composition of film forming polymer, coupling agent, lubricant and coated with asphalt that has elemental sulfur in an amount from 0.1 to 2.0 weight percent.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW D. MATZEK whose telephone number is (571)272-2423. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571.272.1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew D Matzek/
Examiner, Art Unit 1794